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CIVIL DIVISION

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

SUPERIOR COURT DIVISION

FILE NO.: 14 CVS _____

THE NORTH CAROLINA STATE BAR,	CONSENT ORDER OF PRELIMINARY INJUNCTION
Petitioner	
v.	
ROBERT GRAY AUSTIN, III, Attorney, LEAH AUSTIN ABBEY, Attorney	
Respondents	

THIS MATTER came on for consideration by the undersigned Judge of the Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Margaret T. Cloutier. Respondents, Robert Gray Austin, III, and Leah Austin Abbey were represented by attorney Deanna Brocker. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Petitioner, the North Carolina State Bar ("State Bar"), is a state agency duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Respondent, Robert Gray Austin, III ("Austin"), was licensed to practice law in North Carolina in 2003.
3. The State Bar's membership database shows the following address for Austin: 301-B Post Office Drive, Indian Trail, NC 28079.
4. Respondent, Leah Austin Abbey, ("Abbey"), was licensed to practice law in North Carolina in 2002.
5. The State Bar's membership database shows the following address for Abbey: 301-B Post Office Drive, Indian Trail, NC 28079.

6. The State Bar has received information indicating Austin and Abbey mishandled entrusted funds.

7. Austin and Abbey desire to cooperate with the North Carolina State Bar.

8. A need for prompt action exists to ensure that further entrusted funds are not mishandled in the future.

9. Austin currently serves as the personal representative/administrator for the Estate of Eddie Roland Williams. The Estate is a party in pending litigation. It will cause undue delay in the litigation should Austin be prevented from continuing to serve as personal representative/administrator.

BASED UPON THE FOREGOING FINDINGS, the Court makes the following Conclusions of Law:

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Austin's trust, operating and personal bank accounts and to ensure that no further client funds are mishandled.

2. Austin and Abbey should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to write a check against or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted by subsequent Orders of the court.

3. To assist the State Bar's analysis of their accounts, Austin and Abbey should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.

4. To assist the State Bar's analysis of their trust accounts, Austin and Abbey should provide the State Bar with the reconciliation reports required to be prepared and maintained pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.

5. Austin and Abbey should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity. However, to prevent delay and potential prejudice in the litigation involving the Estate of Eddie Roland Williams, Austin should be allowed to continue to serve as personal representative/administrator of the Estate, but control of any funds belonging to the Estate should be transferred to an attorney representing the Estate.

THEREFORE, IT IS HEREBY ORDERED:

1. Robert Gray Austin, III and Leah Austin Abbey are enjoined from accepting any further funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or writing any checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to withdraw funds from and/or write a check against any account in which client or fiduciary funds have been deposited until permitted by subsequent orders of the Court.

2. Austin and Abbey, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, shall immediately produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying all of Austin and Abbey's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.

3. Austin and Abbey, or any other person having custody or control over records relating to individuals for whom Austin or Abbey has provided legal services, shall produce to the North Carolina State Bar at its Raleigh, North Carolina location for inspection and copying all records and documents including but not limited to, client files, billing statements, memoranda and receipts. Current client files shall be produced within 48 hours of demand by the State Bar and closed client files shall be produced within 5 days of demand by the State Bar.

4. If Austin and Abbey do not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, they shall direct the bank(s) where their trust and operating bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at its Raleigh, North Carolina location, at Austin and Abbey's expense.

5. Austin and Abbey shall immediately produce to the North Carolina State Bar at its Raleigh, North Carolina location the monthly and quarterly reconciliation reports for any and all trust accounts that they are required to produce and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct. If Austin and Abbey have not prepared such reports as required, Austin and Abbey are hereby ordered to conduct the monthly and quarterly reconciliations required by Rule 1.15-3(d) of the Rules of Professional Conduct for the time period required under the Rules of Professional Conduct, or a lesser period if so specified by the State Bar, and produce the reports to the State Bar within two weeks of the date of this order or by the deadline set by the State Bar, whichever is later.


6. Austin and Abbey are hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity. This Order will not prohibit Austin from continuing to serve as personal representative/administrator of the Estate of Eddie Roland Williams. However, Austin is prohibited from exercising

control over any funds belonging to or made payable to the Estate of Eddie Roland Williams pending further order of this court.

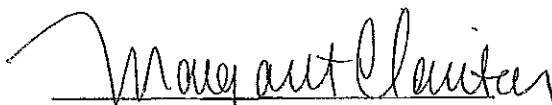
7. Before the entry of this Order, Austin had already written and mailed to the payees the checks listed on attached Exhibit A, said checks drawn on the Fifth Third Bank trust account (last four digits 3479). These checks represent amounts the payees are entitled to receive from Austin in connection with legal services provided by Austin prior to the entry of this Order. This Order does not prohibit Fifth Third Bank from honoring the checks enumerated in Exhibit A.

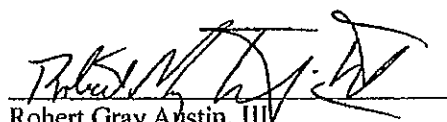
8. This Consent Order of Preliminary Injunction shall remain in effect until further order of this Court.


THIS the 14 day of May, 2014.


Wake County Superior Court Judge
Presiding

WE CONSENT:


Margaret T. Cloutier
Attorney for the Petitioner
The North Carolina State Bar


Robert Gray Austin, III
Respondent


Leah Austin Abbey
Respondent

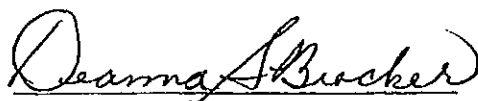

Deanna S. Brocker,
Attorney for Respondents

EXHIBIT A

CK NO.	PAYEE	AMOUNT
2465	Allstate	\$ 605.00
2812	Specialized Loan Servicing, LLC. aka SLS, LLC.	\$ 74,945.16
2813	Specialized Loan Servicing, LLC. aka SLS, LLC.	\$ 109,324.62
2814	Bank of America	\$ 22,779.16
2815	Bank of America	\$ 28,409.05
2821	Ross and Associates	\$ 9,300.00
2822	Jim Hansen	\$ 150.00
2824	Q. Newton Huneycutt	\$ 900.00
2863	Don Evans Service Company	\$ 212.00
2864	RCS, Inc.	\$ 600.00
2865	Robert L. Belk	\$ 225.00
2866	Carolina Title Company	\$ 556.00
2867	Carolina Pest	\$ 300.00
2868	Spivey Insurance	\$ 1,769.00